

**MINUTES  
REGULAR MEETING  
MUNICIPAL COUNCIL – BOROUGH OF RED BANK  
FEBRUARY 27, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Mayor Menna and Council Members Zipprich, Horgan, Lee and Murphy.

ALSO PRESENT: Administrator Sickels, Municipal Clerk Borghi, Attorney O'Hern, Engineer Ballard and Chief Financial Officer Lapp.

ABSENT: Council Members Lewis and DuPont. (Councilwoman Lewis joined by telephone at 6:45 pm)

**SUNSHINE STATEMENT**

Mayor Menna requested the minutes reflect that, in compliance with Public Law 1975, Chapter 231 (Open Public Meetings Act), notice of this meeting has been provided by notifying the Asbury Park Press, the Two River Times and the Star Ledger and by placing a notice on the bulletin board and filing same with the Borough Clerk on January 1, 2013.

**SUSPEND REGULAR ORDER OF BUSINESS**

Councilman Murphy offered a motion to suspend the regular order of business, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the motion was declared approved.

Mayor Menna said they were commemorating a nice but sad event tonight. He spoke of his memories of working with Ms. Schenecker and said this resolution would serve to honor both her and her husband who were both long serving members of the Borough's Rent Leveling Board.

Councilwoman Horgan, who serves as liaison to the Board, noted that Rent Leveling Chairman Vincent Light has written the resolution to honor Ms. Schenecker. She said Ms. Schenecker had great knowledge as a landlord, she recognized the rights of tenants and also had a great sense of humor. She thanked her for her years of service and said they were sorry to see her go.

Ms. Schenecker spoke of how much she enjoyed her time on the Board and thanked the Mayor and Council for the recognition.

Councilwoman Lee said she found it remarkable that she had served with her husband and thanked her for her service.

Councilman Murphy thanked her for her years of volunteer service and said he wholeheartedly appreciated it.

Councilman Zipprich said it was always important to have members of the community participate in local government and thanked her for the years that she had served on the Board.

Ms. Schenecker thanked the Council again and also thanked them for acknowledging her husband's service.

13-37 Councilwoman Horgan read, "A RESOLUTION COMMENDING JOAN SCHENECKER."

Councilwoman Horgan offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the motion was declared approved.

**RESUME REGULAR ORDER OF BUSINESS**

Councilman Murphy offered a motion to resume the regular order of business, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

There being four ayes and no nays, the motion was declared approved.

**WORKSHOP**

**Flood Plain Ordinance Revisions**

Engineer Ballard reported that FEMA had revised flood elevations and the accompanying map and had also recommended that all affected municipalities, which included Red Bank, amend their flood hazard prevention ordinance. She said FEMA had issued a model ordinance, much of which had already been adopted by the Council back in 2009, but said there were some other amendments which were underlined in the sample she distributed. She said with this change, they would essentially be adopting the new advisory base flood elevations. She reviewed additional changes to construction requirements. She said people who would be affected should have time to read and understand the ordinance. She said the flood maps were small and difficult to read so she had taken the Borough's Zoning map and overlaid the new FEMA flood elevations. She said a copy of this new map would be available in the Construction Office, in the Planning and Zoning Office and also on the Borough's website. She said residents should be able to use the map to tell if they were in the affected zone.

Councilwoman Lee asked about the format of the map that would be on the Borough's website.

Engineer Ballard said it would be a PDF and users could zoom in and again noted that full size maps would be available for review in both the Building and Zoning departments.

Councilwoman Lewis joined the meeting by telephone at 6:45 pm.

Mayor Menna asked if there were any questions for the Engineer regarding the Flood Map issue.

Councilwoman Lee said she would like the matter reviewed by the Code Committee and they would get back to the Council with recommendations. She said questions should be directed to the Building Department and Administrator Sickels.

Attorney O'Hern said it was important to note that one of the purposes of raising the structures was to help people get affordable flood insurance. Engineer Ballard said that was correct.

Councilman Zipprich asked the Engineer about the significance of specific colors on the map which she reviewed for the Council.

Mayor Menna noted that the ordinance would be referred to the Code Committee for review. He said the Council would have to adopt it to comply with insurance and FEMA regulations.

### **Gas Stations**

Mayor Menna noted that, as a result of Hurricane Sandy, the Borough of Red Bank, like many other municipalities, had gone through some difficult times, particularly with the gasoline supply and the gasoline stations. He said there was a way they could possibly address those issues for existing gas stations in town as well as future gas stations. He suggested the gas station licensing ordinance should be amended to require an alternate energy source for each station. Under a sample ordinance, he said, gas stations would be required to have an alternate energy source in place by January 1, 2016 to be used in the event of the failure the main energy source conduit. He said the requirement would also be triggered by a change in the site plan or by the addition of a new gas station. He said it was a cost of doing business in many urban areas not only of this state but also other states. He noted safety issues and the expense that resulted from the extensive lines at gas stations after the storm.

Councilman Zipprich asked if the service station owner/operators would be required to have battery backups or solar plus battery to run their pumps.

Mayor Menna said, in the event there was a failure of the electrical system, they would have to have something such as a generator in place to run the pumps but they would be given time to comply. He again noted that, not only was it frustrating to residents, it did cost the Borough quite a bit of money to manage the lines. He said technology would have to be recognized by the DCA and acceptable to the Construction Official/Fire Marshal in terms of safety. He asked Administrator Sickels what he thought.

Mr. Sickels said he thought it was a great idea and agreed that it would have to be approved by the DCA. He said he thought it would be a Construction Code matter. He said the Borough could not enact regulations that exceeded minimum standard but said he had heard talk that there was similar action being considered at the State level.

Mayor Menna said there was and that was what was prompting this and expected that the State was going to be mandating this action. He said he thought this would let business owners know that it was coming.

Councilwoman Horgan asked what other municipalities had put this in place.

Mayor Menna said it had been done in North Jersey and had been introduced in Marlboro.

Councilwoman Horgan asked about other states.

Mayor Menna said it had been done in one of the southern states and said he thought it was good practice.

Councilman Murphy said many of the newer gas stations have it in place.

### **APPROVAL OF MINUTES – February 13, 2013**

Councilwoman Lee offered a motion to approve the minutes, seconded by Councilman Murphy.

### **ROLL CALL:**

AYES: Zipprich, Horgan, Lee, Murphy

NAYS: None

ABSTAIN: Lewis

There being four ayes, no nays and one abstention, the motion was declared approved.

### **MAYORAL APPOINTMENTS**

None.

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Zipprich noted that it was the close of Black History Month and Women's History Month was coming in March. He encouraged all residents to learn more about these important historical chapters in American History. He also reported that he had been happy to attend the opening of Char and said it was a beautiful space and a great addition to the town. He said the Historic Preservation Commission would be meeting later this night and the Shade Tree Committee met the previous week to follow up on the Forest Management Plan and post-Sandy stump and tree removals. He said the Department of Public Works Committee had met earlier in the day to discuss the cause of the water main break on Monday and noted that the valve that deteriorated had been installed in the nineteenth century. He thanked Bobby Holiday and Gary Watson for their rapid response for Mr. Holiday's quick thinking to open up the hydrants to reduce the pressure which saved the Borough from a lot of potential problems. He said they also discussed the most cost effective methods for seeing the road program through with Engineer Ballard. He said the Engineer also updated them on the bid analysis for the lift station replacement project. He said they also discussed the Route 10 bridge replacement which the County had not set a date for yet.

Councilwoman Lewis said the Parks and Recreation Committee had met on February 20<sup>th</sup> to discuss the budget and maintenance of the parks. She said the Engineer had reported on projects that were underway. She also reported that the Vision Committee had met for the first time this year on February 11 and developed a plan of action to continue the work that was done last year. She said they would continue to meet every month and they plan to provide the same or better quality programming as last year.

Councilwoman Horgan reported that the Human Relations Advisory Committee had met on February 25<sup>th</sup> and said they would be co-chairing an event with the Primary School PTO which was a seminar on Domestic Violence that would take place Thursday, March 14 from 6 to 8:30 pm. She said Committee member Cruz Roolaart would represent the Committee at that seminar. She said everyone was invited and she felt that it was an important issue especially with the aftermath of Superstorm Sandy and related family issues. She also reported that the Committee currently has two open member positions and said they would like to have more diverse representation. She said they were looking for someone from the African American Community, the Business Community or someone from the Youth Community. She said members must be 18 years old and a resident of Red Bank. She added that, for a youth member, it could be helpful in writing up a resume or could act as an internship type of position for a high school senior or college student. She also reported that the Monmouth County Democratic Women's Caucus had been established last summer under the Chairmanship of Vin Gopal, the new Monmouth County Chair of the Democratic Party. She said, in honor of Women's History Month, the Women's Caucus was planning an event on Monday, March 4 from 6 to 9 pm at the Watermark in Asbury and gave details on the event. She said the previous Saturday, February 23<sup>rd</sup>, the Monmouth County Democrats had held their nominating Committee to nominate candidates for Governor, County Sheriff, County Freeholders and the Legislature. She said Red Bank's own Edward Zipprich had been nominated to run for an Assembly seat in the 11<sup>th</sup> district.

Councilwoman Lee reported on events at the Library that would target the age group of fifth grade to twelfth grade which seemed to be the group that had the least interest in coming to the Library. She said they had started some art programs one of which was an amine program were also offering a young adult book club. She reviewed some of the offerings of the library and encouraged all residents to take advantage of it. She also noted that there were two resolutions on the agenda that were supported by the Health Department, one of which was the renewal of the annual VNA contract.

Mayor Menna noted that there would probably be a motion to table that resolution pending a review of the annual report which had not yet been received.

Councilwoman Lee said the second resolution was in regard to a grant agreement with the County of Monmouth. She also reported that the Code Committee had been reviewing the materials allowed for signage in the downtown area and would be working with the RiverCenter Visual Improvement Committee to hopefully expand the parameters to allow for better signage to support the business district in a healthy, safe manner.

Councilman Murphy said he had no report but wanted to commend Public Works for fixing the water main break in record time. He also congratulated Councilman Zipprich on his run for Assembly.

Mayor Menna also congratulated Councilman Zipprich

### **COMMUNICATIONS AND PETITIONS**

Mayor Menna read a request from the Diocese of Trenton to hold their annual march from St. Anthony's Church north on Bridge Avenue to Chestnut Street to Maple Avenue to Peters Place to Broad Street to Newman Springs Road on Saturday, March 9, 2013, pending approval of the Chief of Police.

Councilman Murphy offered a motion to approve the request, seconded by Councilman Zipprich.

### **ROLL CALL:**

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Mayor Menna read a request RiverCenter to hold the 2<sup>nd</sup> International Food Festival in the White Street Parking Lot from 12 p.m. to 7 p.m. on April 28, 2013 with a rain date of May 5, 2013; subject to finalization of details by the Special Events Committee.

Mayor Menna recommended moving forward on the request but told RiverCenter Director Nancy Adams that consideration should be given for temporary parking permits for members of St. Nicholas Church since the event would fall on the major holiday of Russian Orthodox Easter.

Councilman Zipprich offered a motion to approve the request, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Mayor Menna read a request from Meridian Health to hang a banner on Shrewsbury Avenue from May 1-May 31, 2013 for Paint the Town Pink to heighten awareness of breast cancer and the importance of early detection, and to withdraw their request for the Broad Street location from May 15-31, 2013.

Councilwoman Lee offered a motion to approve the request, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

#### **PUBLIC COMMENT ON RESOLUTIONS ON THE AGENDA AND ORDINANCES ON THE AGENDA ON FIRST READING**

Mayor Menna asked if anyone would like to speak.

Stephen Mitchell—Address not given—asked about the march by the Diocese of Trenton and the rules and regulations regarding public assembly. He questioned the fact that the event was in a week and a half and asked if there should have been more notification time.

Mayor Menna noted that the group had filed earlier and it had been under review as was the routine protocol.

Mr. Mitchell asked if there would be enough time if the Red Bank Humanists wanted to do a counter assembly at Planned Parenthood because they had not been aware of the event.

Mayor Menna noted that they would have to make that request to Shrewsbury Borough since that was where it was located.

Mr. Mitchell said he was aware of that and he had meant they would assemble on the Red Bank side.

Mayor Menna said they would have to appear before the Special Events Committee and submit a request. He said he was not aware of what the time frame would be. It was suggested he discuss it with the Chief of Police.

There was a discussion of the Special Events process.

Mayor Menna asked if anyone else would like to speak. No one else appeared.

#### **ORDINANCES – First Reading**

#### **ORDINANCES – Public Hearing & Final Adoption**

#### **RESOLUTIONS**

13-53 Mayor Menna read, “A RESOLUTION CONFIRMING APPOINTMENT OF ZONING BOARD ATTORNEY.”

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-54 Mayor Menna read, “A RESOLUTION CONFIRMING APPOINTMENT OF ZONING BOARD ENGINEER.”

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-55 Mayor Menna read, "A RESOLUTION CONFIRMING APPOINTMENT OF PLANNING BOARD ATTORNEY."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-56 Mayor Menna read, "A RESOLUTION CONFIRMING APPOINTMENT OF PLANNING BOARD ENGINEER."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-57 Mayor Menna read, "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 RELATED TO THE CONTRACT WITH PRECISE CONSTRUCTION, INC. FOR THE COUNT BASIE PHASE 3 IMPROVEMENTS."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-58 Mayor Menna read, "A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE CONTRACT WITH SKOUTIS BUILDERS & LAND DEVELOPERS, LLC FOR COUNT BASIE PHASE 3 IMPROVEMENT PROJECT."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-59 Mayor Menna read, "A RESOLUTION AWARDED CONTRACT TO VISITING NURSE ASSOCIATION TO PROVIDE PUBLIC HEALTH SERVICES."

Councilman Zipprich offered a motion to table the resolution, seconded by Councilwoman Lee.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-60 Mayor Menna read, "A RESOLUTION CONFIRMING APPOINTMENT OF BOROUGH CLERK."

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-61 Mayor Menna read, "A RESOLUTION AUTHORIZING THE TRANSFER OF CURRENT FUND APPROPRIATION RESERVES."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-62 Mayor Menna read, "A RESOLUTION OPPOSING SENATE BILL 2511."

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilwoman Horgan.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-63 Mayor Menna read, "A RESOLUTION APPROVING THE HIRING OF CLAUDIA FERREIRA AS TEMPORARY PART TIME CLERK FOR TAX ASSESSOR'S OFFICE."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Zipprich.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

13-64 Mayor Menna read, "A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT AGREEMENT BETWEEN THE BOROUGH AND THE COUNTY OF MONMOUTH, DEPARTMENT OF HUMAN SERVICES, DIVISION ON AGING, DISABILITIES AND VETERANS SERVICES."

Councilwoman Lee offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

#### **PROCLAMATIONS**

Mayor Menna read a proclamation proclaiming February 2013 as Black History Month in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming March 2013 as Women's History Month in the Borough of Red Bank.

Mayor Menna read a proclamation proclaiming March 3, 2013 as Monmouth Conservatory of Music Day of Celebration in the Borough of Red Bank.

#### **PAYMENT OF VOUCHERS**

13-65 Mayor Menna read "A RESOLUTION FOR PAYMENT OF BILLS AMOUNTING TO \$1,776,457.72."

Councilman Zipprich offered a motion to approve the resolution, seconded by Councilman Murphy.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the resolution was declared approved.

#### **OLD BUSINESS**

#### **NEW BUSINESS**

#### **AUDIENCE**

#### **EXECUTIVE SESSION**

#### **ADJOURNMENT**

Councilman Murphy offered a motion, seconded by Councilman Zipprich to adjourn the meeting.

ROLL CALL:

AYES: Lewis, Zipprich, Horgan, Lee, Murphy

NAYS: None

There being five ayes and no nays, the motion was declared approved.

Respectfully submitted,

Pamela Borghi